



**MINUTES
CITY COUNCIL MEETING
May 17, 2022**

CALL TO ORDER

The meeting was called to order at 6:30pm.

Present: Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce, and Deirdre Kvale

Staff Present: City Administrator: Scott Weske and City Clerk Moeller

Absent: None

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following updates:

The Economic Development Authority met prior to the regular Council meeting and approved extension of a purchase agreement for sale of property that is adjacent and west of the Public Works building; as well as to discuss a concept for the future of the EDA-owned property at 1905 Wayzata Boulevard W.

Mayor Miner reported that recently there had been a bear spotted on the south side of town.

He also reminded residents of the Memorial Day ceremony at Nelson Lakeside Park and the Memorial Day Challenge event that will occur.

APPROVE AGENDA

Mayor Miner indicated that City Attorney Thames had something come up last minute and was unable to attend tonight's meeting. In his absence, Items #10 and #11 will need to be removed from the agenda.

A motion was made by Feldmann, seconded by Miner, to approve the agenda as amended. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of May 3, 2022 City Council Work Session Meeting
- B. Approve Minutes of May 3, 2022 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Adopt Resolution No. 2022-19 Approving Issuance of Special Event Permit #2022-05 for the 2022 Orono Lions Club Carp Fishing Contest to be held on Jun 18, 2022; and Approve a Noise Variance Permit to Allow Broadcasting of Announcements During the Event
- E. Adopt Resolution No. 2022-20 Approving Issuance of Special Event Permit #2022-06 for the Wai Nani Surf & Paddle at Nelson Lakeside Park, Providing Paddleboard and Kayak Rental and Instruction Services on Wednesdays through Sundays, June 8 – September 5, 2022

*A motion was made by Miner, seconded by Dyvik, to approve the Consent Agenda as presented.
Ayes: all.*

OPEN CORRESPONDENCE

Roger Adams, 1130 Underhill Circle – Mr. Adams shared that the Orono Lions Club, in conjunction with a number of other volunteers including members of the Long Lake Rowing Crew, had cleaned up Union Cemetery. He also commented that the boulevard area along County Road 112 has a massive amount of dead grass and lots of weeds growing. The County obviously had not done a good job of planting in the area, Mr. Adams questioned whether the City was working with them to take care of this issue.

Mayor Miner thanked Mr. Adams and the others for their service and assistance in cleaning up the cemetery, and noted that Council and staff will discuss the situation related to the boulevard.

BUSINESS ITEMS

Discussion and Update Regarding Slow-No Wake Ordinance Provisions for Long Lake

City Clerk Moeller recalled that in 2014 both Long Lake and Orono City Councils had adopted slow-no wake restrictions for Long Lake stating that no person shall operate a watercraft at greater than slow-no wake speeds whenever the water level of the lake exceeds 945.0 feet and has remained at that level for at least three consecutive days. Staff had received an inquiry from a resident about multi-jurisdictional lakes and a question arose about whether Orono has the same guidelines as Long Lake. She reported that she looked at their online code and did not see it there, so she reached out to Orono staff and found that they had accidentally deleted the slow-no wake language from their code when they processed a repeal and replace of their waterways section. She emphasized that it appeared this was definitely done inadvertently, but before staff continued to communicate with Orono to work towards getting slow-no wake language put back on their books, staff thought there may be an opportunity to pause and have a brief conversation with the Council about whether any amendments to the slow-no wake ordinance language may be warranted and to review items such as the lake level or the three-day waiting period.

Council member Kvale questioned whether the City should be coordinating with Orono to ensure that the language matches.

Moeller reiterated that Orono has no slow-no wake language in their code right now. She noted that they had originally adopted the same language that Long Lake had before it was inadvertently removed.

Council member Dyvik gave a summary of an e-mail he'd sent to staff just prior to learning about this situation in Orono. His concern is that there is usually a no-wake condition several times per year. When the slow-no wake restriction was originally adopted there had been a few years with a lot of rain and after going through a few iterations, they settled on the 945.0 feet water level based on a ranged recommendation provided by the MnDNR, but had chosen the most restrictive level within the recommended range. He indicated that he had told former Mayor Hultmann that he thought that depth was perhaps a bit too conservative and suggested that they could have split the difference. Now that some time has passed and the City has seen how it has worked, he believed that this may be a good time to review the lake level triggering the restriction. He commented that he has often felt that the lake was in a no-wake condition when it did not need to be and when no other lakes in Hennepin County were in a no-wake condition. He added that he also would like to see the City get rid of the marker at the beach because it was four inches off the correct measurement due to someone tampering with it.

Moeller noted that the ordinance is not specific on where the marker is located so that one could be removed.

Council member Dyvik mentioned that he knows of other cities who post on their website the current level of the lake. He reiterated that his proposal is that the City remove the stake near the launch and use what is on the dam to determine the level. He also communicated that he thinks it is time to revisit the discussion on whether the City should have a no-wake trigger that hits sometimes multiple times per year, when really, a no-wake is supposed to protect in extreme cases that may come every few years.

Council members and staff discussed the no-wake events, the possibility of eliminating the three-day wait period, signage near the launch, possibly changing the level that triggers no-wake, what had been done historically when water levels were high, areas on the lake that have no rip rap, working with Orono towards getting slow-no wake provisions back in place, how the lake level is checked, and the confusion surrounding the current waiting period.

Mr. Adams noted that he has lived on the lake for over 50 years and explained that he liked things better before the weir was put in because it raised the level of the lake and caused all the high water problems. He shared an example from his childhood where at one point in August, there was two feet of sand between the rip rap rocks and the water's edge, which he has not seen since the weir was installed and added that erosion has also increased since the weir's installation. He stated that if they lowered the level of the weir by three inches, for example, there would never be a no-wake problem.

The Council discussed the difficulty with getting permission for that that solution, the possibility of it creating a lot of shallow areas on the lake, and potential problems with docks.

Mr. Adams stated that he would recommend lowering the lake level trigger point to 944.5 feet

Mayor Miner stated that the slow-no wake restriction has been in effect for eight years and within that timeframe there have been a fair amount of changes on the lake. He suggested that it may be worth having a professional look at the matter again.

The Council discussed additional changes that may be necessary in the City's ordinance to clarify details related to watercraft definitions.

It was the consensus of the Council to direct staff to prepare an amendment to the City's slow-no wake ordinance language to a change the lake level for slow-no wake to 945.25 and to remove the three-day waiting period.

Approval of First Amendment to Purchase Agreement with the Barbara A. Hendrickson Revocable Trust

City Administrator Weske reported that the EDA and City Council had previously approved a purchase agreement between the City and the Barbara A. Hendrickson Revocable Trust for the purchase of City owned property located adjacent to the area behind the City's Public Works building. He noted that the purchase was intended to close by June 10, 2022, however the purchaser has experienced delays in obtaining a survey that is required and requires additional time to obtain those approvals. He stated that the EDA has approved an amendment to the purchase agreement to extend the closing deadline to October 21, 2022.

A motion was made by Dyvik, seconded by Feldmann, to approve the First Amendment to Purchase Agreement with the Barbara A. Hendrickson Revocable Trust Dated May 4, 2017 and to authorize the Mayor and City Administrator to execute the same. Ayes: all.

Closed Session Pursuant to Minn. Stat. 13D.05, Subd. 3(c) (3): Discussion of the Development of Potential Offers or Counteroffers for the Purchase or Sale of Real Property Located at 340 Willow Drive N and Long Lake Fire Department Property

A motion was made by Feldmann, seconded by Dyvik, to move into Closed Session. Ayes: all.

A motion was made by Feldmann, seconded by Miner, to end the Closed Session and move back into an Open Session. Ayes: Miner, Feldmann, Kvale, and Joyce.

Mayor Miner noted that Council member Dyvik had to leave the meeting during the Closed Session due to a prior obligation. He explained that during the Closed Session, the Council had reviewed a letter prepared by City Attorney Thames to discuss this item and made some edits to the letter.

A motion was made by Joyce, seconded by Miner, to send the revised letter prepared by City Attorney Thames to Orono and their City Council. Ayes: all.

~~Closed Session Pursuant to Attorney-Client Privilege: Discussion of Pending Litigation with Owner and Lessor of 505 Tamarack Avenue -- Removed From the Agenda~~

~~Closed Session Pursuant to Attorney-Client Privilege: Discussion of Potential Litigation with Green Mavericks and Castle Rock Financial Corp. -- Removed From the Agenda~~

OTHER BUSINESS

Buckhorn Day - Council member Kvale shared that Chamber of Commerce is planning to move ahead with a Buckhorn Day event on July 23, 2022.

Memorial Day Preparation - Mayor Miner asked staff to make sure the construction companies working in the Symes Street area are aware of the Memorial Day festivities that will be taking place.

Condition of County Road 112 Boulevard Area – Mayor Miner recalled that as mentioned earlier during the public comment portion of the meeting, the grass is not really growing in the boulevard area along County Road 112 and asked what can be done to address that problem. Weske responded that he is sure there is something that can be done to improve the area, but cautioned that it would most likely take some time to get it looking nice. He indicated that he will work with Public Works Director Diercks on the matter, and he anticipates there may need to be some spraying and watering.

Long Lake Fire Department Red Hot Run 5K - Fire Chief VanEyII reminded everyone about the Red Hot Run 5K that will be coming up on July 30, 2022.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:11 pm.

Respectfully submitted,

Scott Weske
City Administrator